

Notice of Allowability

Application No.

10/086,784

Examiner

Chester T. Barry

Applicant(s)

DAVIS ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 12/8/04.
2. ☒ The allowed claim(s) is/are 1-8 and 29-34.
3. ☒ The drawings filed on 28 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>dated 12/8/04</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ted Anthony on 12/8/04.

The application has been amended as follows:

IN THE CLAIMS:

Claims 1, 5, and 29 were amended as follows:

Claim 1. (Currently amended) A method of treating waste supported in a liquid comprising:

- a. Inoculating at least one carrier medium with at least one microbial population;
- b. Placing said at least one inoculated carrier medium within a porous container;
- c. Immersing said porous container in said waste supporting liquid;
- d. Supplying oxygen to said porous container and said at least one microbial population; and
- e. ~~Allowing said at least one microbial population to propagate on the surface of said at least one carrier medium~~ Propagating said at least one microbial population on the surface of said at least one carrier medium.

Claim 5. (Currently amended) A method of treating waste in a sewer wet-well comprising:

- a. Inoculating at least one carrier medium with at least one microbial population;
- b. Placing said at least one inoculated carrier medium within a porous container;
- c. Installing said porous container in said sewer wet-well;
- d. Supplying oxygen to said porous container and said at least one microbial population; and
- e. ~~Allowing said at least one microbial population to propagate on the surface of said at least one carrier medium~~ Propagating said at least one microbial population on the surface of said at least one carrier medium.

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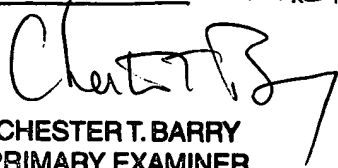
Claim 29. (Currently amended) A method of treating waste supported in a liquid comprising:

- a. Inoculating at least one carrier medium with at least one microbial population;
- b. Placing said at least one inoculated carrier medium within a porous container;
- c. Immersing said porous container in said waste supporting liquid;
- d. Supplying oxygen to said porous container and said at least one microbial population; and
- e. ~~Allowing said at least one microbial population to propagate on the surface of said at least one carrier medium~~ Propagating said at least one microbial population on the surface of said at least one carrier medium while said porous container is immersed in said waste supporting liquid.

CB
12/9/04

IN THE TITLE

In the title, "and apparatus" was deleted.



CHESTER T. BARRY
PRIMARY EXAMINER

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